REMARKS/ARGUMENTS

Claims 1-12 are listed in this application. Claims 1 and 7 are independent. By way of this Amendment, claims 1-12 are amended.

AMENDMENTS TO THE DRAWINGS

By way of this Amendment, Applicant submits replacement drawings for FIGS. 1-6 of the published version of the specification. Replacements for FIGS. 1-6 merely add descriptive labels in accordance with those used in the provisional application 60/497,995. The current application is the national phase of PCT/IB04/51567, which takes priority from the 60/497,995 provisional application. Applicant therefore is not adding new matter by reinserting the descriptive labels to the drawings. Accordingly, Applicant respectfully requests that the replacement drawings be accepted.

CLAIM OBJECTIONS

In section 2 on page 2, the Office Action objects to claims 5 and 6 for allegedly depending on themselves. Applicant has therefore amended claims 5 and 6 to depend on claims 3 and 4, respectively. Accordingly, Applicant respectfully submits that the objection to claims 5 and 6 be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In section 4 on page 2, the Office Action rejects claims 1-2 and 4-8 under 35 U.S.C. § 112, ¶ 2 for allegedly being indefinite. Specifically, the Office Action alleges that the

terms "more important data" and "less important data" without effectively stating what distinguishes each category.

Applicant has amended claims 1, and 6-7 with the terms "high-priority data" and "low-priority data" with the characteristics of the high-priority data distinguishing it from low-priority data. This subject matter finds support in, for example, paragraph [0025] of the published version of the specification. Accordingly, Applicant respectfully submits that the rejection of claims 1-2 and 4-8 under 35 U.S.C. § 112, ¶ 2 be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In section 6 on page 3, the Office Action rejects claim 1-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application No. 2007/0086484 to Quigley et al. ("Quigley") in view of U.S. Patent Application No. 2002/0056125 to Hodge et al. ("Hodge"). Applicant respectfully traverses these rejections.

Independent claim 1, as amended, recites:

> A wireless communication device comprising:
> an input terminal that communicates data with a processor;
> a segregation circuit, coupled to the input terminal that identifies predetermined data and separates incoming high-priority data from incoming low-priority data;
> a memory that stores a parameter relevant to the wireless communication protocol;
> a modem coupled to the segregation circuit and the memory, that communicates using a wireless protocol over a wireless channel; and
> a framer that fragments the incoming high-priority data and the incoming low-priority data based at least in part on the fragmentation threshold parameter stored in the memory. (Emphasis added)

Independent claim 7 contains a similar recitation. In addition, dependent claim 2, as amended, recites in part:

> The wireless communication device of claim 1, wherein
> the memory stores a fragmentation threshold parameter that is set to be greater than the length of the incoming high-priority data and less than the length of the incoming low-priority data; and
> the framer that frames the incoming high-priority data and the incoming low-priority data based at least in part of the fragmentation threshold parameter.

Dependent claim 8 contains a similar recitation. The recited subject matter for claims 1-2 and 7-8 may find support in, for example, paragraphs [0020]-[0029] of the published version of the specification.

The recited subject matter relates to a system and related method of fragmenting incoming packets. The recited subject matter specifically separates two types of data: shorter, high-priority data and longer, low-priority data. *See, e.g., ¶¶ [0026], [0029].* By also setting a fragmentation threshold parameter between the lengths of the high-priority data and the low-priority data, the fragmentation that occurs may lower the amount of overhead, as the packets may contain the entire contents of an incoming high-priority data, while low-priority data may still be split over multiple packets. *Id.* This may also, for example, increase the probability of high-priority data being received properly be a receiver. *Id.*

The Quigley specification fails to teach, disclose, or suggest the recited subject matter. The Quigley specification does not disclose the separation of data by type, nor

does Quigley disclose setting the threshold parameter so that high-priority data is not fragmented while low-priority data is always fragmented. Quigley therefore fails to disclose the recited subject matter of independent claims 1 and 7.

Turning to Hodge, the Hodge specification fails to overcome the deficiencies of Quigley. Hodge discloses a multi-tier buffer for packets, where various packets are buffered, combined, and synchronously transmitted to a receiver. ¶ *[0109]*. Specifically, Hodge discloses a re-packetization module that combines packets of video, data, voice and control to be sent to a receiver. ¶ *[0112]*. Hodge does not disclose separating predetermined data into types, nor does Hodge disclose setting a fragmentation threshold so that high-priority data is not split, while splitting low-priority data. Hodge therefore fails to overcome the deficiencies of Quigley.

Accordingly, Applicant respectfully submits that the rejection of independent claims 1 and 7 under 35 U.S.C. § 103(a) be withdrawn. Claims 2-6 and 8-12 depend on independent claims 1 and 7, respectively, and are allowable at least based upon these limitations in addition to any other patentable subject matter. Accordingly, Applicant respectfully submits that the rejection of claims 2-6 and 8-12 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, David L. Schaeffer, of NXP Corporation at (212) 876-1592.

Respectfully submitted,
KRAMER & AMADO, P.C.

Date: December 10, 2010

Terry W. Kramer
Registration No.: 41,451

Please direct all correspondence to:
Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131
CUSTOMER NO.: 65913